

2003 Legislative Review

By Greg Freeman

Lawmakers in the 2003 legislative session decided that nonresidents will pay more to hunt birds and fish in North Dakota. At the same time, a bill to limit the overall number of out-of-state waterfowlers based on a "hunter pressure concept" didn't pass.

In this year's biennial gathering of North Dakota legislators, 46 bills concerning the state's natural resources and hunters and anglers were introduced. In 2001, 34 such bills were introduced.

**Photo
Omitted**

"Most of the bills introduced this session revolved around the utilization of our natural resources," said Roger Rostvet, North Dakota Game and Fish Department Deputy Director. "The issue of management of non-resident hunters brought out a number of sides, but the issue wasn't as clear cut as many people had thought. Consequently, there was nothing significant decided in terms of managing those nonresident hunters."

North Dakota sportsmen, unlike past sessions, came out in good numbers.

"This session, sportsmen were far more active," Rostvet said. "Anytime you get people involved, it's a positive thing because they then have a direct say in the outcome."

BILLS THAT BECAME LAW

HB 1050 - Establishes a new licensing and fee structure for guides and outfitters, and eliminates the seven-day statewide nonresident waterfowl license.

HB 1092 - Makes an applicant's social security number confidential for any North Dakota Game and Fish Department license or permit.

HB 1122 - Allows the Mule Deer Foundation one mule deer license for a raffle or auction.

HB 1216 - Allows coverage of \$5,000, \$10,000, or \$15,000 for bonded agents appointed to distribute hunting and fishing licenses, with an annual premium of \$10 for each \$5,000 of coverage.

HB 1223 - Prohibits the pheasant and duck seasons from opening on the same weekend; the pheasant season can not open before the first Saturday in October; and prohibits a nonresident from hunting the first seven days of the pheasant season on land owned or private land enrolled by the Department for the purposes of hunting, or on land for which the Department pays in lieu of tax payments.

HB 1224 - Provides payments to private landowners for lease of waterfowl resting areas on private lands that during the term of the lease provides limited public access for hunting waterfowl.

HB 1343 - Establishes a civil penalty for the illegal taking of bighorn sheep, elk, or moose.

HB 1358 - Changes licensing structure for nonresidents. A nonresident small game license is good for any period of 10 consecutive days or any two periods of five consecutive days each. More than one nonresident small game license can be purchased per year, and it is not required to hunt waterfowl. Nonresident fees are small game, \$85; waterfowl, \$85; fishing season, \$35; seven-day fishing, \$20; three-day fishing, \$15; husband-wife fishing, \$45. Fishing increases effective April 1, 2004.

Note: License fee changes brought on by HB 1358 affect nonresident mourning dove, grouse and sandhill crane hunters as well.

To hunt sandhill cranes in North Dakota – along with a general game and habitat license, hunting certificate and crane permit – nonresidents must have an \$85 small game license. A nonresident small game license is good for any period of 10 consecutive days or any two periods of five consecutive days each. More than one nonresident small game license can be purchased per year.

HB 1380 - Makes a gratis deer tag valid for the deer bow, deer gun, and muzzle-loader seasons until filled.

HB 1391 - Increases the nonresident big game license to \$200, with \$45 to be used for the Private Land Initiative.

SB 2019 - Appropriates \$40,065,763 for the Game and Fish Department for the biennium beginning July 1, 2003, and ending June 30, 2005.

SB 2215 - Combines the Game Warden Association and Rocky Mountain Elk Foundation raffles. One moose and elk license can be raffled, with 50 percent of all net proceeds used for elk management or other wildlife conservation related projects in the state. Remaining net proceeds must be used for construction and maintenance of the North American Wildlife Enforcement Memorial Museum and Educational Center located at the International Peace Garden.

SB 2237 - Allows a person who is blind to be eligible to receive a special crossbow hunting permit.

SB 2242 - Allows nonresidents to hunt during the early September Canada goose season in Sargent and Richland counties without counting against their 14-day regular season period.

SB 2322 - Allows a full-time nonresident college student, who is a resident of a state that is a member of the Midwest Student Exchange Program or the Western Undergraduate Exchange Program, to purchase a resident license.

SB 2323 - Allows the governor to restrict the importation and disposition of the carcass or carcass parts of deer or elk taken from any areas within states or provinces that have documented cases of chronic wasting disease; to declare an animal health emergency upon determining that wildlife of this state are at risk from diseases; and upon an emergency, to act on it after consulting with the state veterinarian or State Board of Animal Health.

SB 2363 - Allows a nonresident to apply for a deer gun license after the second deer lottery at a license fee of \$50.

Photo Omitted

SB 2401 - Allows the use of an artificial light or flashlight with a power source of not more than six volts while hunting for raccoon.

SCR 4002 - A concurrent resolution urging Congress to pay for depredation, personal injury damage, and property damage caused by elk that move from Theodore Roosevelt National Park. Senate and house adopted.

SCR 4022 - A concurrent resolution that directs the legislative council to study proposed legislation permitting the Game and Fish Department to coordinate with game and fish programs conducted by tribal governments of the federally recognized Indian tribes in North Dakota. Senate and house adopted.

***GREG FREEMAN** is the Game and Fish Department's news editor. He tracked legislation weekly during the 2003 session.*

BILLS THAT FAILED

HB 1048 - Would have required a hunting guide or outfitter to pass a written exam pertaining to state and federal laws on hunting wild game. Failed house 42-50.

HB 1049 - Trade secret or proprietary information from a guide or outfitter would have been confidential. Passed house 90-2. Failed senate 1-45.

HB 1154 - Would have implemented a preference point system for elk, moose, and bighorn sheep hunting licenses. Failed house 16-74.

HB 1196 - Would have eliminated optional contributions on income tax returns for the Nongame Wildlife Fund. Failed house 44-46.

HB 1202 - Would have prohibited a landowner who engages in fee hunting from participating in the deer-proof hay yard program. Failed house 42-47.

HB 1307 - Would have entitled nonresidents to hunt waterfowl in a specific zone during one of three consecutive 10-day periods in the first 30 days of the season or a period anytime after the 30th day of the season. No more than 10,000 licenses would have been issued for any of the 10-day periods, and the number of licenses for the period after the 30th day would have been unlimited. Failed house 39-54.

HB 1311 - Would have provided nonresidents with one-half of the deer gun licenses if the governor authorized more than 90,000 licenses. Failed house 8-82.

HB 1347 - Would have prohibited the State Board of Animal Health from requiring importation permits or certificates of health for dogs entering North Dakota. Failed house 7-84.

HB 1365 - Would have allowed party hunting for deer with a hunting group of not more than five individuals. Failed house 26-66.

HB 1440 - Would have instructed the Game and Fish Director to offer to lease land enrolled in the federal Conservation Reserve Program from landowners for Game and Fish purposes. Failed house 10-80.

HB 1448 - Would have required a nonresident to include on the application a legal description of the land on which the applicant intends to hunt, and would have prohibited the governor from limiting the number of nonresident hunting licenses for any open season. Failed house 3-90.

HB 1453 - Would have required a game and fish violator to successfully complete a hunter safety course. Failed house 0-93.

HB 1465 - Would have made the Game and Fish Advisory Board a Game and Fish commission. Failed house 6-86.

HB 1501 - Would have prohibited private landowners from hunting on their own land if the land was within 440 yards of a neighbor's occupied building unless permission was granted by the neighbor. Failed house 3-90.

SB 2048 - The number of nonresident waterfowl hunting licenses would have been determined by a hunter pressure concept. Passed senate 26-20. Failed house 47-45 (need 48 to pass).

SB 2187 - Would have increased the coverage of bonded agents appointed to distribute hunting and fishing licenses from \$5,000 to \$15,000 per agent per year, with an annual premium of \$30. Passed senate 45-2. Failed house 0-90.

SB 2227 - Would have allowed all nonresident youth hunters less than 16 years of age to purchase a license to hunt small game and waterfowl, except swans and wild turkeys, at the same price as a resident youth hunter. Passed senate 44-1. Failed house 27-64.

SB 2230 - Upon paying the fee requirement for a resident or nonresident deer license, an individual who is eligible for a gratis license could have transferred the license to another individual. Failed senate 3-39.

SB 2236 - Would have allowed antlered white-tailed deer license holders for the regular gun season to submit that license and exchange it for a muzzle-loader antlered white-tailed deer license for the muzzle-loader season. Failed senate 15-31.

SB 2273 - Would have required the Director to designate six lakes in the state as trout lakes. Failed senate 0-43.

SB 2279 - Would have required the Department to periodically conduct a random survey of all resident big game hunters and private landowners to determine the best options for relocating wild elk from Theodore Roosevelt National Park. Failed senate 11-32.

SB 2353 - Would have allowed a shareholder or member of a farming or ranching corporation or farming or ranching limited liability company that holds title to 160 acres of land, to receive a gratis deer license. Failed senate 1-45.

SB 2382 - Would have determined the number of nonresident any-deer bow licenses by allocating 8 percent of the previous year's mule deer licenses. Failed senate 1-42.